

Linklaters

Paul S. Hessler
Linklaters LLP
1345 Avenue of the Americas
New York, NY 10105
Telephone (+1) 212 903 9000
Direct Line (+1) 212-903-9132
Direct Fax (+1) 212-903-9100
paul.hessler@linklaters.com

The Honorable Lewis A. Kaplan, U.S.D.J.
Southern District of New York
Daniel Patrick Moynihan United States
Courthouse
500 Pearl Street
New York, New York 10007-1312

January 9, 2015

Re: ICBC (London) plc v. The Blacksands Pacific Group, Inc. (No. 15-CV-0070 (LAK) (FM))

Dear Judge Kaplan:

We represent Plaintiff ICBC (London) plc. We respectfully object to Defendant's request for a 30-day extension of its time to respond to Plaintiff's motion for summary judgment for two reasons:

- This proceeding involves Plaintiff's claim for summary judgment based on an instrument for the payment of money only. There are no defenses to the claim, and the only material facts are undisputed: the Defendant unconditionally guaranteed the amounts Plaintiff seeks to recover, waived any potential defenses including any right of set off, and has repeatedly admitted that the funds Plaintiff seeks to recover were loaned to borrower (an affiliate of the Defendant) and are due and owing;
- The Defendant's request for an extension is driven by a crisis of its own making. Defendant has known for months that this action would be filed. The amounts Plaintiff seeks to recover were due nearly one year ago. We delivered a draft of the petition for summary judgment to Defendant on October 23. We filed the action in New York State Court and served the Defendant on December 10. The next day we informed Defendant that, because of the Defendant's pattern of delay and the absence of any defenses, Plaintiff would not agree to an extension of time to respond, and we suggested that Defendant retain counsel immediately. Defendant's response to the petition was due in state court on January 2; it did not file a response, but rather appears to have waited until the last possible moment after the response deadline to retain counsel and to remove the case to this Court.

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We are sympathetic to Defendant's counsel's plight, and as a courtesy agreed to a one-week extension. Because of the simplicity of the facts of this case, the already extensive delays, and the fact that opposing counsel's unenviable position is entirely the result of his client's own tactical decisions, we respectfully object to the longer extension sought by Mr. Fee.

Yours sincerely,

A handwritten signature in blue ink that reads "Paul S. Hessler /cp". The signature is fluid and cursive, with a small "/cp" at the end.

Paul S. Hessler

cc: Kevin J. Fee, Kornstein Veisz Wexler & Pollard, LLP